

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

---

GARY T. WINNETT, et al.,	)	
	)	
Plaintiffs,	)	
	)	
vs.	)	Case No. 3:06-CV-00235
	)	
CATERPILLAR INC.,	)	Hon. Aleta A. Trauger
	)	Mag. Judge Joe B. Brown
Defendant/Third-Party Plaintiff,	)	
	)	
vs.	)	
	)	
INTERNATIONAL UNION, UAW, et al.,	)	
	)	
Third-Party Defendants.	)	

---

**NOTICE OF APPEAL BY CATERPILLAR INC.**

Notice is hereby given that CATERPILLAR INC., Defendant/Third-Party Plaintiff in the above-named case, hereby appeals to the United States Court of Appeals for the Sixth Circuit from the final judgment (R. 537) entered on June 27, 2011.

Date: July 25, 2011

CATERPILLAR INC.

By: s/ Joseph J. Torres  
One of Its Attorneys

Lawrence S. Eastwood, Jr.  
BAKER, DONELSON, BEARMAN,  
CALDWELL & BERKOWITZ, P.C.  
211 Commerce Street, Suite 1000  
Nashville, TN 37201  
(615) 726-5600  
leastwood@bakerdonelson.com

C. R. Gangemi, Jr. (*Admitted Pro Hac Vice*)  
Joseph J. Torres (*Admitted Pro Hac Vice*)  
Derek G. Barella (*Admitted Pro Hac Vice*)  
WINSTON & STRAWN LLP  
35 West Wacker Drive  
Chicago, IL 60601  
(312) 558-5600  
cgangemi@winston.com  
jtorres@winston.com  
dbarella@winston.com

### **CERTIFICATE OF SERVICE**

The undersigned, one of the attorneys for Caterpillar Inc., hereby certifies that on July 25, 2011, a true and correct copy of the foregoing NOTICE OF APPEAL was filed electronically with the Court. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. Mail. Parties may access this filing through the Court's electronic filing system.

Michael M. Mulder  
Shona B. Glink  
Meites, Mulder & Glink  
312 S. Plymouth Ct., Suite 1250  
Chicago, Illinois 60604

Elizabeth A. Alexander  
Lieff, Cabraser, Heimann & Bernstein, LLP  
One Nashville Place  
150 Fourth Avenue N, Suite 1650  
Nashville, Tennessee 37219

Jay E. Sushelsky  
601 E Street, NW  
Washington, DC 20049

W. Gary Kohlman  
Julia Penny Clark  
Bredhoff & Kaiser, PLLC  
805 15th Street NW, Suite 1000  
Washington, DC 20005

Edmund L. Carey, Jr.  
Gerald E. Martin  
Barrett, Johnston & Parsley  
217 Second Avenue, N  
Nashville, Tennessee 37201

s/ Joseph J. Torres